

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Karina Herrera	Team: Squad #2	CCRB Case #: 201801951	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/22/2018 6:00 AM	Location of Incident: § 87(2)(b)	Precinct: 75	18 Mo. SOL 8/22/2019	EO SOL 8/22/2019	
Date/Time CV Reported Mon, 03/05/2018 8:46 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/12/2018 11:04 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			GANG BN
2. DT3 John Lamariana	2346	949194	GANG BN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Rashan Lacoste	02285	935149	GANG BN
2. CPT Anthony Guadagno	00000	923914	GANG BS
3. LT John Costin	00000	903693	GANG BN
4. DT3 Jorge Tricoche	06542	935871	GANG BN
5. POM Michael Lassen	16482	951899	GANG BN
6. DT2 Amjad Kasaji	06901	939768	GANG BN
7. DT3 Shaneil Mitchell	3666	950894	GANG BN
8. DT3 Ryan Tobin	3705	952294	GANG BN
9. SGT Steven Zanca	04377	937781	GANG BN
10. DT3 Daniel Panchyn	223	947323	GANG BN
11. DT3 Juancarlos Cruz	02658	933723	GANG BN
12. DT3 Gloria Nelson	1013	947519	GANG BN
13. DT3 Kaylish Lopez	02638	932918	GANG BN
14. DT3 Dean Campbell	01220	946449	GANG BN
15. DT3 John Denicola	1108	947690	GANG BN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 John Lamariana	Abuse: Detective John Lamariana entered § 87(2)(b) in Brooklyn.	
B.DT3 John Lamariana	Abuse: Detective John Lamariana searched § 87(2)(b) in Brooklyn.	
C. An officer	Abuse: An officer made a threat to § 87(2)(b) about arresting § 87(2)(b)	
D. An officer	Abuse: An officer threatened to notify Administration for Children's Services.	
E. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	

Case Summary

On March 5, 2018, § 87(2)(b) filed the following complaint with the IAB Command Center. The original log #2018-9054 was forwarded to the Office Chief of Department and the following was received by the CCRB via log #2017-08674 on March 12, 2018.

At approximately 6:00 a.m. on February 22, 2018, § 87(2)(b) was sleeping at his apartment located at § 87(2)(b), in Brooklyn with his wife, § 87(2)(b) and their two sons, § 87(2)(b) who is § 87(2)(b) old, and § 87(2)(b) Jr., who is § 87(2)(b) old. Several officers, including Detective John Lamariana of the Brooklyn North Gang Unit, entered § 87(2)(b) apartment (**Allegation A: Abuse of Authority, Entry of Premises – § 87(2)(g)**) and conducted a search (**Allegation B: Abuse of Authority, Search of Premises – § 87(2)(g)**).

At some point, two officers took § 87(2)(b) to the bathroom to question him. One of the officers allegedly told § 87(2)(b) "If I find drugs or guns in the house, and you don't tell me, I'm going to lock your wife up and I'm going to take your kids - they're going in the system" (**Allegation C: Abuse of Authority, Threat of Arrest – § 87(2)(g)**) (**Allegation D: Abuse of Authority, Threat to Notify ACS - § 87(2)(g)**). The officers allegedly took § 87(2)(b) to a bedroom and one of them told her, "Where is it [contraband]? Because if we bring the dogs in, and they find it, all of you guys are going to jail and the kids are going through the system" (**Allegation E: Abuse of Authority, Threat of Arrest – Exonerated**) (**within Allegation D**). The officers took § 87(2)(b) to the bathroom again and one of the officers allegedly again threatened to arrest his wife and have his children taken away if they had to bring the dogs in to find the contraband (**within Allegation C**) (**within Allegation D**).

The officers concluded their search of the apartment and they did not find anything. An officer showed § 87(2)(b) a search warrant and he signed it (Board Review 01). The officers left and no one was arrested or issued a summons. No video footage was found in regards to this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective John Lamariana entered § 87(2)(b) in Brooklyn.

Allegation (B) Abuse of Authority: Detective John Lamariana searched § 87(2)(b) in Brooklyn.

On March 19, 2018, § 87(2)(b) provided a telephone statement to the CCRB (Board Review 02). On April 4, 2018, § 87(2)(b) and § 87(2)(b) were interviewed at the CCRB.

It is undisputed that on the incident date officers entered and searched § 87(2)(b) apartment pursuant to Search Warrant #§ 87(2)(b) (Board Review 01), which was issued to Detective Lamariana on § 87(2)(b), by Judge § 87(2)(b) and it was categorized as a "No Knock" warrant. It stated that the probable cause presented to the court by Detective Lamariana determined that a search of the premises and any belongings therein, such as safes and

electronics, would reasonably lead to the discovery of firearms and ammunition. The search warrant had § 87(2)(b) information and residence listed.

§ 87(2)(g)

Allegation (C) Abuse of Authority: An officer made a threat to § 87(2)(b) about arresting

§ 87(2)(b)

Allegation (D) Abuse of Authority: An officer threatened to notify Administration for Children's Services.

Allegation (E) Abuse of Authority: An officer threatened to arrest § 87(2)(b)

§ 87(2)(b) stated that while the officers were searching his apartment, two officers escorted him from the living room to the bathroom. One of the officers told § 87(2)(b) "If I find drugs or guns in the house, and you don't tell me, I'm going to lock your wife up and I'm going to take your kids - they're going in the system." § 87(2)(b) told the officers that he did not have anything inside of the apartment. The officers escorted § 87(2)(b) back to the living room.

§ 87(2)(b) stated that after the officers returned with § 87(2)(b) from the bathroom, an officer escorted her to a bedroom and told her, "Where is it [contraband]? Because if we bring the dogs in, and they find it, all of you guys are going to jail and the kids are going through the system." § 87(2)(b) told the officers that she did not have any contraband inside of the apartment.

After § 87(2)(b) returned to the living room, § 87(2)(b) said that at some point, another officer took him to the bathroom again. This officer told § 87(2)(b) "Listen man, we know that you have stuff in here. We know what's going on. Tell us where it's at. We are going to lock your wife up and your kids - put them away. Do you want that? Is that what you want?"

§ 87(2)(b) reiterated to this officer that he did not have anything inside of the apartment. The officer then replied, "All right man, I'm giving you the benefit of the doubt. We are going to bring the dogs in."

The search warrant application documents note that the search warrant was sought after a confidential informant § 87(2)(e), § 87(2)(f)

(Board Review 08).

According to Patrol Guide Procedure 208-01, uniformed members of service can arrest individuals for offenses committed in their presence and for crimes where reasonable cause exists that the person committed the crimes, even if not in the presence of officers (Board Review 03). According to Patrol Guide Procedure 215-03, upon making a reasonable determination that imminent danger to a child's life or health exists, uniformed members of service must notify Administration of Children's Services (ACS) (Board Review 04).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) and § 87(2)(b) have been parties (Board Review 05).
- § 87(2)(b)
- Detective Lamariana has been a member of service for eight years and has been a subject in one other CCRB complaint, case #201311112, with four allegations for vehicle stop, vehicle search, frisk, and search of person, of which none were substantiated.
 - Detective Lamariana is currently involved in CCRB case #201709960 which involves an allegation of a vehicle stop. To date, this investigation is still open.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- According to the Office of Court Administration (OCA), § 87(2)(b) and § 87(2)(b) have no history of convictions in New York City (Board Review 06).
- § 87(2)(b)
- As of July 16, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 07).

Squad No.: _____2_____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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